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7 *Attorneys for Plaintiff Jaime Martorell*
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12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 JAIME MARTORELL, an individual,
15 Plaintiff

16 v.

17 DEBASHIS BAGCHI, an individual, and
JON BENGSTON, an individual,
18 Defendants.
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CASE NO.: 3:19-cv-00523-LRH-CLB

**JOINT STIPULATION TO
CONTINUANCE OF TRIAL; [PROPOSED]
ORDER PURSUANT THERETO**

22 The parties hereto, Plaintiff Jaime Martorell ("Plaintiff") and Defendants, Debashis Bagchi
23 and Jon Bengston, ("Defendants"), by and through their respective counsel of record, hereby enter
24 into the below stipulation with reference to the following facts:

- 25 A. This action was filed on August 22, 2019.
26 B. The court trial is currently set for October 17, 2023, at 9:00 AM.
27 C. The Master Trial Setting Conference is scheduled for September 25, 2023, at 9:00
28 AM.

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- 1 D. The Parties have agreed to the material terms of a settlement agreement and are in
2 the process of finalizing a settlement document codifying the terms of the settlement.
- 3 1. The parties have agreed that payment of \$240,000.00 shall be made, with
4 \$30,000.00 due upon signing the settlement agreement, \$105,000.00 due as
5 of November 1, 2023, and the final \$105,000.00 due on January 2, 2024. All
6 payments are to be made via wire transfer.
- 7 2. This case will not be dismissed until full payment is made. After full
8 execution of a settlement agreement and payment of the first installment, the
9 parties will ask the Court to stay the case until January 3, 2024. If full
10 payment has been made as of January 2, 2024, Plaintiff will dismiss the case
11 with prejudice. In the event of non-payment, either full or partial, the
12 settlement agreement shall contain agreed upon penalties for non-compliance.
- 13 3. A full and general mutual release between the Parties, except for any claims
14 or judgments arising out of the *Martorell v. Airwire Technologies* litigation
15 currently pending before the Second Judicial District Court in and for the
16 County of Washoe, Case No. CV19-00974.
- 17 E. The Parties are presently negotiating redlines to a settlement agreement reflecting the
18 above. The Court will note one of the essential terms of the settlement is that Plaintiff
19 will not stipulate to stay the case until after execution of the settlement agreement
20 and the completion of the first payment from Defendants. However, Defendants'
21 counsel has made Plaintiff's counsel aware of a medical procedure that is supposed
22 to occur this week that may delay Defendant's counsel from being able to finalize the
23 settlement until on or after the September 25, 2023, Master Trial Setting Conference.
- 24 F. To avoid unnecessary and premature trial preparation due to the aforementioned
25 series of events, the parties wish to enter into the within stipulation.
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3 THEREFORE, it is stipulated and requested that the court order as follows:

- 4 1. The court trial be vacated and reset to November 13, 2023 at 9:00 AM, which may
5 be a remote appearance to answer ready for a December 5, 2023 trial.
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7 DATED September 20, 2023

DATED September 20, 2023

8 BY: /s/Anthony L. Hall, Esq.
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BY: /s/ Charles R. Zeh, Esq.
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14 *Attorneys for Plaintiff*

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16 IT IS ORDERED:

- 17 1) Master Trial scheduling conference set for 9/25/2023 at 9:00 AM is vacated and
18 reset to November 13, 2023 at 9:00 AM by telephone.
19 2) Calendar call set for October 10, 2023 at 1:00 PM is vacated.
20 3) Bench trial set for October 17, 2023 at 9:00 AM is vacated and reset to the
December 5, 2023 trial stack.

21 Dated: September 20, 2023

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23 Chief U.S. District Judge
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of SIMONS HALL JOHNSTON PC, over 18 years of age, and that on this date I caused to be served a true copy of the foregoing **STIPULATION TO CONTINUANCE OF TRIAL; [PROPOSED] ORDER PURSUANT THERETO** on all parties to this action by the method(s) indicated below:

X I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following registered parties electronically:

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Pete Cladianos III
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I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct, and that this declaration was executed on September 20, 2023.

/s/ Kelly Lee
An Employee of Simons Hall Johnston PC

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